

HOUSE BILL NO. 529

INTRODUCED BY J. PATTISON, MCCANN, BALES, BRUEGGEMAN, CLANCY, DEVLIN, JACKSON,
KASTEN, MATTHEWS, MCKENNEY, MOHL, D. MOOD, MUSGROVE, RIPLEY, ROUSH, SLITER,
STEINBEISSER, B. THOMAS, J. TROPILA, WAITSCHIES, J. WHITAKER, WOLERY, STORY, OLSON,
KITZENBERG, COCCHIARELLA

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING OVERWEIGHT VEHICLE TOLERANCE STANDARDS;
INCREASING FROM 7 PERCENT TO 10 PERCENT THE AMOUNT BY WHICH CERTAIN VEHICLES MAY
EXCEED WEIGHT LIMITS WITHOUT INCURRING PENALTIES; INCREASING FROM 50 MILES TO 100
MILES THE DISTANCE THAT AN OVERWEIGHT FARM VEHICLE MAY TRAVEL FROM THE HARVESTED
FIELD WITHOUT INCURRING PENALTIES; ELIMINATING THE REQUIREMENT THAT AN OVERWEIGHT
FARM VEHICLE MAY NOT EXCEED 40 MILES AN HOUR; AND AMENDING SECTION 61-10-144, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 61-10-144, MCA, is amended to read:

"61-10-144. Violation of standards -- tolerance. (1) It is a misdemeanor for a person, firm, or
corporation to violate any provision of 61-10-101 through 61-10-104 and 61-10-106 through 61-10-110.

(2) The operator of a vehicle or combination of vehicles may move over the highways to the first
open state scale, permanent or portable, without incurring the excess weight penalties set forth in
61-10-145 if the total gross weight of the vehicle or combination of vehicles does not exceed allowable
total gross weight limitations by more than ~~7%, or 10% for garbage trucks~~, and if the weight carried by
any axle or combination of axles does not exceed the allowable axle weight limitations by more than ~~7%,
or 10% for garbage trucks~~. If the vehicle or combination of vehicles is not in excess of the allowable total
gross or axle weight limitations by more than ~~7%, or 10% for garbage trucks~~, the department may issue
a single trip permit for the fee of \$10, allowing the vehicle or combination of vehicles to move over the
highways to the first facility where its load can be safely adjusted or to its destination. Violations of total
gross or axle weight limitations in excess of ~~7%, or 10% for garbage trucks~~, are subject to the fines
provided in 61-10-145, and all loads in excess of ~~7%, or 10% for garbage trucks~~, of the total gross or axle
weight limitations:

(a) may be required to be adjusted or reduced to conform to the size and weight limitations before the vehicle or combination of vehicles is moved from the point of weighing; or

(b) may be issued a permit as authorized by 61-10-141.

(3) Farm vehicles transporting agricultural products from a harvesting combine or other harvesting machinery may move over a highway, except any highway that is part of the federal-aid interstate system, within a ~~50-mile~~ 100-mile radius of the harvested field to the point of first unloading without incurring the excess weight penalties set forth in 61-10-145 if the total gross weight of the farm vehicle or combination of vehicles does not exceed allowable weight limitations by more than 20% for each axle, but the maximum load for each inch of tire width may not exceed 670 pounds. ~~The farm vehicle or combination of vehicles may not exceed 40 miles an hour.~~ A single trip permit, as required in subsection (2), is not applicable to the farm vehicle or combination of vehicles. When a farm vehicle or combination of vehicles violates any of the provisions of this subsection, the fine or penalty imposed applies to that portion of the load above the legal limit.

~~(4) For the purposes of this section, a garbage truck means only a motor vehicle operated by a Class D motor carrier, as determined and regulated by the public service commission pursuant to 69-12-301(5)."~~

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